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Islam’s Rulings Regarding Gender, Ambiguous Gender, Transgender and Transsexual

Introduction: Debate over Transgender Protection in the Muslim World

On 5 September 2022, Pakistan’s Senator Mushtaq Ahmad presented the bill for amendments in the Transgender Protection Act, 2018, to the Senate Standing Committee on Human Rights. During the meeting, Senator Mushtaq Ahmad, said that, “Transgender is an American term, it has no place in Islam, and the legislation regarding the transgender community is against Quran and Sunnah and it will promote homosexuality.” The wide debate regarding the protection of transgender individuals, has become the subject of confusion within Muslim World. It has even led a few to doubt the validity of Islam in the modern age.

So that Muslims speak and act according to that which pleases Allah ﷻ, it is essential to put matters regarding gender, in their proper place. Islam demands that Muslims study the issue (mas’alah) and then act according to the Shariah legal rulings related to the issue. So let Muslims study gender determination based on biological characteristics, both anatomical and emotional, with consideration of genetics, the gender assignment of the ambiguous gender and the view towards the effeminate man or the manly woman, as well as hormonal and surgical gender alteration.

Genderism is a Western Concept to Define Gender by Self-Perception

The West has adopted a new approach to the matter of gender in recent decades. In order to treat centuries of cruel discrimination against women, due to the Christian Church and its oppressive doctrines, the West turned to “genderism” to define gender. The West turned away from the concept of gender, according to the measure of biological duality, i.e. male and female, turning instead to the concept of genderism. Under genderism, gender is defined according to the cultural and social formation of an individual. Under genderism, the gender is assigned by the thoughts of an individual, by self-perception, and not by biology. As the French existentialist philosopher, Simone de Beauvoir, said, “One is not born, but rather becomes, a woman (French: On ne naît pas femme, on le devient)” in her book “The Second Sex (French: Le Deuxième Sexe).”

Genderism, originally, arose as part of second wave feminism, in an effort to eliminate gender discrimination, based on male-female duality. So, genderism sought to eliminate biological determination of gender. By doing so, genderism also sought to eliminate its consequences, gender stereotyping and gender roles, which were deemed oppressive.

Genderism is Adopted by the Homosexual Movement

Originally, genderism was adopted to prevent the discrimination against women, by men. However, genderism became extended from support of women’s rights, to the support of gay rights. Genderism was supported heavily by advocates of homosexuality, to end discrimination, against those who declare themselves gay. Thus, the objective of genderism was no longer confined to ending discrimination against women. Genderism was extended to end discrimination against those who chose a gender for themselves, by self-perception, irrespective of biological characteristics.

Through its concept of personal freedom, the West allowed individuals to assign genders to themselves, through self-perception. So, according to genderism, a man can decide that he is a woman, despite the fact that he possesses the biological features of a man. He can undergo surgery and hormone therapy to transition to the gender he has chosen for himself. The transgender can thus conceal the male biological features and acquire female biological features. Transgender people who use medical assistance to alter their gender, in this way, are called transsexual. Similarly, a woman may self-perceive that she is a man. A famous case is that of the woman, Ellen Paige, who become Elliot Page, after surgical and hormonal alterations. So, now in the Western view there are transgender people, who have a gender identity, differing from their biological gender at birth.

In the case of Pakistan's Transgender Protection Act, after amendment, it is based on Western genderism. It asserts, "A transgender person shall have a right to be recognized as per his or her self-perceived gender identity." So according to Pakistan's rulers, gender is to be determined by self-perception, as the West advocates, rather than biological considerations alone, as Islam demands.

Islam's Treatment of Gender and Gender Role

Allah ﷻ says, **وَلَيْسَ الذَّكَرُ كَالْأُنثَىٰ "And the male is not like the female."** [TMQ Surah Aali Imran 3:36]. In Islam, there are two genders in origin. The two genders are determined by biological considerations alone. Gender is not determined by the decision of the individual or self-perception. The ambiguous gender is determined by experts, as being one of the two genders. Then, gender roles are determined by the divinely revealed Shariah Law. In Islam, there are Shariah rulings for all humans, men and women, whilst there are also Shariah rulings that are gender specific. So, Islam gave duties to both man and woman regarding Salah, Fasting, Hajj and Zakah. Then, Islam gave Shariah

rulings for the woman alone, regarding menstruation, pregnancy and child birth. Islam also gave woman the right of the custodianship of children, to the exclusion of man. Islam gave woman the right to earn, where her husband has no right on her property, whilst it obliged man to provide for his wife and children. Fighting is not obliged upon women, whilst it is obliged upon men.

Far from creating oppression upon the woman, or the man, the Shariah law ensures that the men and women co-operate, to produce a strong family unit and a stable society based on that unit. Even without the Khilafah to prevent oppression and corruption, the family life in the Muslim World remains a beacon of light, for those in the West, who are suffering the severe consequences, of the destruction of family life.

Islam's Assigns the Ambiguous Gender (خُنْثَى Khuntha) a Gender from the Two Genders

The word khuntha applies to a person who cannot be easily characterized, as male or female, on biological considerations. It is the human-being who has both male and female anatomy, or one who has neither. In Islam, the expert assigns the ambiguous gender one of the two genders, male or female, after study of the biological reality. The classical jurist Ibn Qudamah said in his book Al-Mughni, regarding the ambiguous وَلَا يَخْلُو مِنْ أَنْ يَكُونَ ذَكَرًا أَوْ أُنْثَى، قَالَ اللَّهُ تَعَالَى **وَأَنَّهُ خَلَقَ الزَّوْجَيْنِ الذَّكَرَ وَالأُنْثَى** ، وَقَالَ تَعَالَى **وَبَثَّ مِنْهُمَا رِجَالا كَثِيرًا وَنِسَاءً**، فَلَيْسَ ثَمَّ خَلْقٌ ثَالِثٌ "It is not excluded from being male or female. Allah ﷻ said, **وَأَنَّهُ خَلَقَ الزَّوْجَيْنِ الذَّكَرَ وَالأُنْثَى** "And He created the spouses, males and females" [Surah an-Najm 53:45]. And He ﷻ said, **وَبَثَّ مِنْهُمَا رِجَالا كَثِيرًا وَنِسَاءً** "and through both He spread countless men and women" [Surah an-Nisaa 4:1] and so there is not a third creation."

Thus, Islam does not assign a third gender. A trustworthy Muslim doctor who specializes in the matters of congenital malformations, gender anatomy, genetics and gender behavior, confirms the gender. So he, compassionately and sensitively, examines in detail the biological, anatomical, physical characteristics, first, to see what is preponderant, of male or female characteristics. He examines physical matters, such as genitalia, as well as considering the X and Y sex chromosomes, that constitute the gender. If, in the very rare cases, that anatomical and genetic characteristics alone do not resolve the ambiguity, the matter of male and female biological, sexual inclinations and urges are also considered, before determining the gender. Thereafter, the Islamic rulings apply according to the determined gender, including marriage, gender roles and responsibilities.

Once the gender determination has been made, it is endorsed by the order of the Khaleefah, as the authority of the Muslims, who must be obeyed. Thereafter, the individual is dealt with by the wider community, according to the assigned gender, without discrimination. The man or woman is integrated as a valued member of the Islamic society, so that all the Shariah duties can be undertaken, whilst all the Shariah rights are granted.

Islam's Ruling Regarding the Effeminate (مُخَنَّث Mukhannath) Man and the Manly (مُتَرَجِّلَةُ Mutarajillah) Women

Ibn Abbas (ra) narrated, **لَعَنَ رَسُولُ اللَّهِ صلى الله عليه وسلم الْمُتَشَبِّهِينَ مِنَ الرِّجَالِ بِالنِّسَاءِ، وَالْمُتَشَبِّهَاتِ مِنَ النِّسَاءِ بِالرِّجَالِ "Allah's Messenger ﷺ cursed those men who assume the mannerisms of women and those women assume the mannerisms of men."** [Bukhari]. Ibn Abbas (ra) narrated that, **لعن الله الْمُخَنَّثِينَ مِنَ الرِّجَالِ وَالْمُتَرَجِّلَاتِ مِنَ النِّسَاءِ وَقَالَ أخرجوهم من بُيُوتكُمْ "Ibn 'Abbas said the Prophet cursed the effeminate men and the manly women, saying, أخرجوهم من بُيُوتكُمْ "Put them out of your**

houses.” [Bukhari]. The Messenger of Allah ﷺ said, **ثَلاَثَةٌ لاَ يَنْظُرُ اللَّهُ عَزَّ وَجَلَّ إِلَيْهِمْ يَوْمَ الْقِيَامَةِ الْعَاقُّ لِوَالِدَيْهِ وَالْمَرْأَةُ الْمُتَرَجِّلَةُ وَالدَّيُّوثُ “There are three at whom Allah will not look on the Day of Resurrection: The one who disobeys his parents, the manly woman and the cuckold.”** [An-Nisaa]

Resembling a gender comes in a general sense, in terms of identity, character, clothing and behavior. It comes in an absolute sense, without any restriction and differentiation. The sin extends to intimate relations, with the same gender, and all that leads to that. Thus, in Islam, desires and lusts are not the arbitrator of action. Instead, the Shariah rulings determine the relations between men and women, as well as their respective conducts, behaviors and roles. After Islam determines the form of relations, in detail, love and intimate relations ensue within the marital bond, between the man and the woman. It is the Khilafah that will generate an environment that nurtures the correct gender roles. It is the Islamic society that is far away from the confusion, misery and suffering that the Western civilization has created through freedom and its manifestation, genderism.

Islam’s View Towards Transgender and Transsexual

Gender is not determined by self-perception, ignoring biological realities at birth. Altering a person’s gender from male to female, or vice versa, is considered altering the creation of Allah ﷻ which is forbidden (Haraam). This is whether the alteration is by hormonal therapy or plastic surgery. Allah ﷻ said**,**

إِن يَدْعُونَ مِن دُونِهِ إِلَّا إِنَاثًا وَإِن يَدْعُونَ إِلَّا شَيْطَانًا مَّرِيدًا (117) لَّعَنَهُ اللَّهُ ۘ وَقَالَ لَأَتَّخِذَنَّ مِنْ عِبَادِكَ نَصِيبًا مَّفْرُوضًا (118) وَلَأُضِلَّنَّهُمْ وَلَأُمَنِّيَنَّهُمْ وَلَآمُرَنَّهُمْ فَلَيُبَتِّكُنَّ آذَانَ الْأَنْعَامِ وَلَآمُرَنَّهُمْ فَلَيُغَيِّرُنَّ خَلْقَ اللَّهِ ۚ وَمَن يَتَّخِذِ الشَّيْطَانَ وَلِيًّا مِّن دُونِ اللَّهِ فَقَدْ خَسِرَ خُسْرَانًا مُّبِينًا (119) يَعِدُهُمْ وَيُمَنِّيهِمْ ۖ وَمَا يَعِدُهُمُ الشَّيْطَانُ إِلَّا غُرُورًا(120)

"Instead of Allah, they only invoke female gods and they invoke none but a rebellious Shaytan (117) cursed by Allah—who said, 'I will surely take hold of a certain number of Your servants. (118) I will certainly mislead them and delude them with empty hopes. Also, I will order them and they will slit the ears of cattle and alter Allah's creation.' And whoever takes Shaytan as a guardian instead of Allah has certainly suffered a tremendous loss. (119) Shaytan only makes them false promises and deludes them with empty hopes. Truly Shaytan promises them nothing but delusion. (120)" [TMQ Surah an-Nisaa 4:117-120]

In the case of male to female transition, it is manifesting the attributes of femininity, or concealing the attributes of masculinity. However, it does not change the biological reality of that person at birth, which is the basis of gender assignment in Islam. So the rulings of the origin of his gender remain as those of masculinity, before the alteration. It is not permissible for another man to perform a marriage contract with a person of male origin, regardless of the alteration.

Conclusion: Confronting the Falsehood of Genderism

Having ensured destruction of the family and family values in its homelands, the West is working through the rulers of Muslims to wage a cultural war on Islam and Muslims. In the West, Western governments are able to easily steer and control their people, due to the disintegration of the family and the resulting lack of cohesion, community and collective action. The Western ruling elite now also wants the same for Muslims, having failed to confront Islam intellectually and doctrinally. It now spreads genderism among Muslims in order to corrupt them, seeking to destroy the social system and strong family bonding among Muslims. This is so that the West can control Muslims, preventing, or at least delaying, the Ummah's revival through the Khilafah (Caliphate) on the Method of Prophethood. It is

upon the Muslims to confront this wave of corruption by culturing themselves strongly from Islam, whilst working to re-establish their protective shield, the Khilafah.

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